

REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 4 and 13-20 have been canceled without prejudice or disclaimer, claims 13-20 being directed to non-elected inventions. Claim 1 has been amended to include the limitations of canceled claim 4. New claims 21-30 have been added. Claim 21 includes the limitations of original claim 9 rewritten in independent form. Claims 22-30 track the limitations of original claims 2-5, 7, 8 and 10-12. No new matter has been added.

Election/Restriction

The claims of the application were restricted into three separate inventions represented by the following groups of claims:

- I. Claims 1-12
- II. Claims 13-17
- III. Claims 19-20

The Group I claims were constructively elected by the Examiner and have received further examination in the present Office Action. Applicants hereby affirm the election with traverse.

§ 103 Rejection

Claims 1-6, 9 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bader (U.S. 1,042,750) in view of Locke (U.S. 3,590,806). Applicants respectfully traverse this rejection.

Bader discloses a lamp having a hollow conical-shaped lamppost 1 that supports a burner 2 and shade 3 at a top end of the stand. A tank 8 is positioned in the lower portion of the post and is coupled to the burner 2 via a pipe 5. The gas tank 8 is removable from the lamppost via an opening formed in a side wall of the lamppost. The opening is covered with a door 13 that is secured to the lamppost with a hinge connection and locked in a closed position with a lock 14. The door 13 moves through a lateral or horizontal pivot motion between open and closed positions.

Locke discloses a portable LP gas space heater that includes a carrying case 10 that sized to enclose an LP cartridge and regulator valve 29, a circular heating element 15 mounted to an exterior of the case 10, and a flexible fuel line 28 that extends internally in the case 10 between the heating element and the LP cartridge. The case 10 includes a backwall 14 that is hinged along a bottom edge so that it can be opened to permit access to the LP cartridge and regulator valve.

Bader and Locke fail to disclose or suggest "a panel member coupled to the stand member and vertically slidably between a closed position covering the opening and an open position wherein the opening is accessible for inserting the fuel container into the recessed portion or removing the fuel container from the recessed portion," as required by claim 1. Bader discloses only lateral/horizontal pivotal movement of the door 13 between open and closed positions using a hinge connection. Locke discloses only vertical pivotal movement of the backwall 14 between open and closed positions using a hinge connection. Neither Bader nor Locke disclose or suggest any other type of connection or configuration that would permit the door 13 or backwall 14 to be "vertically slidable." Therefore, Bader and Locke fail to disclose or suggest every limitation of claim 1 and the claims that depend from it.

Bader and Locke also fail to disclose or suggest "a locking mechanism configured to lock the panel member in the open position," as required by claim 9. Bader discloses a lock 14 that locks the door 13 in a closed position. Bader fails to disclose or suggest any other locking mechanism for any other purpose besides holding the door 13 in a closed position. Locke fails to disclose or suggest a locking mechanism. Therefore, Bader and Locke fail to disclose or suggest every limitation of claim 9 for this additional reason.

Claims 7, 8, 10 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bader in view of Locke and further in view of Reese (U.S. 3,721,516). Applicants respectfully traverse this rejection. Bader and Locke fail to disclose or suggest every limitation of claim 1 for at least those reasons discussed above. Reese fails to remedy the deficiencies of Bader and Locke as they relate to claim 1. Therefore, claims 7, 8, 10 and 11 are allowable for at least the reason they are dependent upon an allowable base claim. Applicant does not otherwise concede the correctness of this rejection.

Furthermore, Bader, Locke and Reese fail to disclose or suggest the circumferential panel member of claim 8. The door 13 disclosed by Bader is semi-circular and does not extend around the post 1. The backwall 14 disclosed by Locke does not extend around the case 10. The pillar 12 disclosed by Reese includes an opening in a side wall thereof for access to a valve 38 on a fuel tank 36 positioned within a pillar 12 of the lamp. However, Reese fails to disclose or suggest a panel member that covers that opening to restrict access to the valve 38. In fact, Reese fails to disclose or suggest a movable panel. The pillar 12 disclosed by Reese includes an open top through which the fuel bottle 36 can be inserted. The open top is covered with an ornamental head 14. The head 14 includes a tubular skirt 18 that is telescoped onto the upper portion (designated 20) of the pillar 12. A support bar 22 is fixed transversely within the skirt 18 to provide both a support structure for holding the bottle 36 suspended within the pillar via a conduit 34, and also to provide a stop member that engages a top surface of the pillar 12 to hold the head 14 in a predetermined vertical position relative to the pillar 12. Reese fails to disclose or suggest that the head 14 (including the tubular skirt 18) is intended or capable of covering the opening in the side wall of pillar 12. Reese also fails to disclose or suggest being able to insert the fuel bottle 36 through the opening in the side wall, or removing the bottle 36 from that opening in the side wall that provides access to the valve 38. Therefore, Reese clearly fails to remedy the deficiencies of Bader and Locke they relate to claim 8. Applicants submit that claim 8 is separately allowable over the Bader, Locke and Reese.

New Claims

New claims 21-30 have been added. Claim 21 tracks the limitations of claim 9 rewritten in independent form. Claims 22-30 track the limitations of claim 1-5, 7, 8 and 10-12. Applicants submit that claim 21 is allowable for at least the reasons discussed above related to claim 9. Claims 22-30 should be allowable for at least the reason they are dependent upon an allowable base claim. Consideration and allowance of new claims 21-30 is respectfully requested.

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FROM-Merchant & Gould

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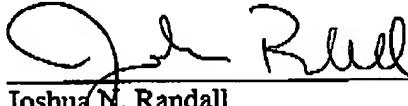
In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicants' attorney listed below at 612.371.5387.

Respectfully submitted,

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